

ASSEMBLY BILL

No. 78

Introduced by Assembly Member Portantino

December 18, 2008

An act to amend Sections 48800, 48800.5, 48802, and 76001 of, and to add Section 48800.6 to, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 78, as introduced, Portantino. Pupils: concurrent enrollment in community college and secondary or elementary school.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.

Existing law authorizes the governing board of a school district to determine which pupils would benefit from advanced scholastic or vocational work. In addition, existing law authorizes the governing board of a school district to authorize these pupils, with parental permission, to attend community college as special part-time students to undertake one or more courses of instruction at the community college level, in order to provide these eligible pupils with educational enrichment opportunities.

This bill instead would authorize school districts to enter into partnerships with community college districts to provide secondary school pupils with the opportunity to benefit from advanced scholastic, career-technical, or other coursework at a campus of the California Community Colleges.

Existing law requires the principal of a school to determine whether a pupil meets various criteria before recommending the pupil for community college summer session, and prohibits the principal from recommending for community college summer session attendance more than 5% of the total number of pupils from any particular grade level who completed that grade immediately prior to the time of recommendation, except as specified.

This bill would delete those provisions.

The bill would provide a procedure for a pupil who has not yet attained secondary school level to receive approval from a school district governing board in order to attend a community college. The bill would specify that these pupils would be included in the calculation of full-time equivalent students for the purposes of determining the amount of the state apportionment to be received by a community college district. The bill would prohibit a community college district from receiving an allowance or apportionment for an instructional activity for which a school district has been, or will be, paid.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) Campuses of the California Community Colleges are located
4 throughout California, providing an educational resource for all
5 communities.
- 6 (b) Some high school students are allowed to take classes at
7 community colleges. These students are called “special-admits”
8 and they participate in “concurrent enrollment programs,” mainly
9 targeted at “advanced education,” primarily defined as college-level
10 work.
- 11 (c) There are strict limits on this activity in law, providing these
12 opportunities to only 5 percent of any high school class during
13 summer sessions, and restricting the types of classes students may
14 take to include only “advanced education” in most cases.
- 15 (d) A serious abuse of concurrent enrollment by a few school
16 and community college districts several years ago resulted in
17 statutory reform and restriction on this type of enrollment.

1 (e) The current restrictions inhibit local ability to make
2 maximum use of community college facilities and opportunities,
3 and the time has come to encourage and expand these valuable
4 programs, but with appropriate statutory prohibitions to guard
5 against a repeat of the abuses of the past.

6 (f) Allowing high school pupils to take community college
7 courses could provide benefits to pupils and to the state in a wide
8 array of opportunities, including more opportunities for advanced
9 scholastic work, career-technical partnerships and coursework,
10 basic skills remediation, preparation for the high school exit
11 examination, English as a second language, and dropout prevention.

12 (g) Exposure to college classes and the college environment
13 while in high school improves college participation rates.

14 (h) Concurrent enrollment saves money for both the state and
15 the students and provides for more effective use of facilities.

16 SEC. 2. Section 48800 of the Education Code is amended to
17 read:

18 48800. (a) (1) The governing board of a school district may
19 ~~determine which~~ *enter into a partnership with a community college*
20 *district to provide secondary school pupils—would with the*
21 *opportunity to benefit from advanced scholastic—or vocational*
22 *work, career-technical, or other coursework at a campus of the*
23 *California Community Colleges.* The intent of this section is to
24 ~~provide educational enrichment opportunities for a limited number~~
25 ~~of eligible pupils, rather than to reduce current course requirements~~
26 ~~of elementary and secondary schools, and also to help ensure a~~
27 ~~smoother transition from high school to college for pupils by~~
28 ~~providing them with greater exposure to the collegiate atmosphere,~~
29 ~~and to maximize the educational opportunities available to~~
30 ~~California's secondary school pupils by encouraging programs~~
31 ~~and partnerships between school districts and community college~~
32 ~~districts, including, but not limited to, advanced scholastic,~~
33 ~~college-level, and career-technical coursework, summer school~~
34 ~~opportunities, high school exit examination preparation, English~~
35 ~~as a second language, basic skills remediation, and dropout~~
36 ~~intervention. The governing board may authorize those pupils,~~

37 (2) *A secondary school pupil, upon recommendation notification*
38 *of the principal of the pupil's school of attendance, and with*
39 *parental consent if the pupil is under 18 years of age, to may attend*
40 *a community college during any session or term as a special*

1 part-time or full-time ~~students~~ *student* and to undertake one or
2 more courses of instruction offered at the community college level.

3 ~~(b) If the governing board denies a request for a special part-time~~
4 ~~or full-time enrollment at a community college for any session or~~
5 ~~term for a pupil who is identified as highly gifted, the governing~~
6 ~~board shall issue its written recommendation and the reasons for~~
7 ~~the denial within 60 days. The written recommendation and denial~~
8 ~~shall be issued at the next regularly scheduled board meeting that~~
9 ~~falls at least 30 days after the request has been submitted.~~

10 ~~(e)~~

11 ~~(b)~~ A pupil shall receive credit for community college courses
12 that he or she completes at the level determined appropriate by the
13 governing boards of the school district and community college
14 district.

15 ~~(d) (1) The principal of a school may recommend a pupil for~~
16 ~~community college summer session only if that pupil meets all of~~
17 ~~the following criteria:~~

18 ~~(A) Demonstrates adequate preparation in the discipline to be~~
19 ~~studied.~~

20 ~~(B) Exhausts all opportunities to enroll in an equivalent course,~~
21 ~~if any, at his or her school of attendance.~~

22 ~~(2) For any particular grade level, a principal shall not~~
23 ~~recommend for community college summer session attendance~~
24 ~~more than 5 percent of the total number of pupils who completed~~
25 ~~that grade immediately prior to the time of recommendation.~~

26 ~~(3) A high school pupil recommended by his or her principal~~
27 ~~for enrollment in a course shall not be included in the 5 percent~~
28 ~~limitation of pupils allowed to be recommended pursuant to~~
29 ~~paragraph (2) if the course in which the pupil is enrolled meets~~
30 ~~one of the criterion listed in subparagraphs (A) to (C), inclusive,~~
31 ~~and the high school principal who recommends the pupil for~~
32 ~~enrollment provides the Chancellor of the California Community~~
33 ~~Colleges, upon the request of that office, with the data required~~
34 ~~for purposes of paragraph (4).~~

35 ~~(A) The course is a lower division, college-level course for~~
36 ~~credit that is designated as part of the Intersegmental General~~
37 ~~Education Transfer Curriculum or applies toward the general~~
38 ~~education breadth requirements of the California State University.~~

39 ~~(B) The course is a college-level, occupational course for credit~~
40 ~~assigned a priority code of "A," "B," or "C," pursuant to the~~

1 Student Accountability Model, as defined by the Chancellor of the
2 California Community Colleges and reported in the management
3 information system, and the course is part of a sequence of
4 vocational or career technical education courses leading to a degree
5 or certificate in the subject area covered by the sequence.

6 (C) The course is necessary to assist a pupil who has not passed
7 the California High School Exit Examination (CAHSEE), does
8 not offer college credit in English language arts or mathematics,
9 and the pupil meets both of the following requirements:

10 (i) The pupil is in his or her senior year of high school.

11 (ii) The pupil has completed all other graduation requirements
12 prior to the end of his or her senior year, or will complete all
13 remaining graduation requirements during a community college
14 summer session, which he or she is recommended to enroll in,
15 following his or her senior year of high school.

16 (4) On or before November 1, 2007, and on or before January
17 1 of each year thereafter, the Chancellor of the California
18 Community Colleges shall report to the Department of Finance
19 the number of pupils recommended pursuant to paragraph (3) who
20 enroll in community college summer session courses and who
21 receive a passing grade.

22 (5) The Board of Governors of the California Community
23 Colleges shall not include enrollment growth attributable to
24 paragraph (3) as part of its annual budget request for the California
25 Community Colleges.

26 (6) Notwithstanding Article 3 (commencing with Section 33050)
27 of Chapter 1 of Part 20 of Division 2, compliance with this
28 subdivision shall not be waived.

29 (e) Paragraphs (3), (4), and (5) of subdivision (d) shall become
30 inoperative on January 1, 2014.

31 SEC. 3. Section 48800.5 of the Education Code is amended to
32 read:

33 48800.5. (a) A parent or guardian of a pupil, regardless of the
34 pupil's age or class level, may petition the governing board of the
35 school district in which the pupil is enrolled to authorize the
36 attendance of the pupil at a community college as a special
37 full-time student on the ground that the pupil would benefit from
38 advanced scholastic or vocational work *the instruction* that would
39 thereby be available. If the governing board denies the petition,
40 the pupil's parent or guardian may file an appeal with the county

1 board of education, which shall render a final decision on the
2 petition in writing within 30 days.

3 (b) A pupil who attends a community college as a special
4 full-time student pursuant to this section is exempt from
5 compulsory school attendance under Chapter 2 (commencing with
6 Section 46100) of Part 26.

7 (c) A parent or guardian of a pupil who is not enrolled in a public
8 school may directly petition the president of any community
9 college to authorize the attendance of the pupil at the community
10 college as a special part-time or full-time student on the ground
11 that the pupil would benefit from ~~advanced scholastic or vocational~~
12 ~~work~~ *the instruction* that would thereby be available.

13 (d) Any pupil authorized to attend a community college as a
14 special full-time student shall, nevertheless, be required to
15 undertake courses of instruction of a scope and duration sufficient
16 to satisfy the requirements of law.

17 (e) For purposes of allowances and apportionments from the
18 State School Fund, a community college shall be credited with
19 additional units of average daily attendance attributable to the
20 attendance of special full-time students at the community college.

21 SEC. 4. Section 48800.6 is added to the Education Code, to
22 read:

23 48800.6. (a) A pupil who has not yet attained secondary school
24 level shall receive approval from the governing board of the school
25 district that he or she attends before enrolling at a community
26 college. A parent or guardian of a pupil who has not yet attained
27 secondary school level may petition the governing board of the
28 school district in which the pupil is enrolled in accordance with
29 subdivision (a) of Section 48800.5.

30 (b) A parent or guardian of a pupil who has not yet attained
31 secondary school level may directly petition the president of any
32 community college to authorize the attendance of the pupil at the
33 community college as a special part-time or full-time student on
34 the ground that the pupil would benefit from the instruction that
35 would thereby be available.

36 SEC. 5. Section 48802 of the Education Code is amended to
37 read:

38 48802. (a) For purposes of allowances and apportionments
39 from Section B of the State School Fund, a community college
40 shall be credited with additional units of average daily attendance

1 attributable to the attendance of pupils at the community college
2 as special part-time students pursuant to this article and as set forth
3 in Section 76002.

4 (b) A school district whose pupils attend a community college
5 as special part-time students pursuant to this article shall, for
6 purposes of allowances and apportionments from Section A of the
7 State School Fund, continue to receive credit for attendance by
8 those pupils computed in the manner prescribed by law, and a
9 pupil's attendance at school for the minimum schoolday shall be
10 deemed a day of attendance for purposes of making the
11 computation.

12 (c) *A community college district shall not receive an allowance*
13 *or an apportionment for an instructional activity for which a school*
14 *district has been, or shall be, paid an allowance or an*
15 *apportionment.*

16 SEC. 6. Section 76001 of the Education Code is amended to
17 read:

18 76001. (a) The governing board of a community college district
19 may admit to any community college under its jurisdiction as a
20 special part-time or full-time student in any session or term any
21 student who is eligible to attend community college pursuant to
22 Section 48800-~~or~~, 48800.5, *or* 48800.6.

23 ~~(b) If the governing board denies a request for a special part-time~~
24 ~~or full-time enrollment at a community college for a pupil who is~~
25 ~~identified as highly gifted, the board shall record its findings and~~
26 ~~the reasons for denial of the request in writing within 60 days. The~~
27 ~~written recommendation and denial shall be issued at the next~~
28 ~~regularly scheduled board meeting that falls at least 30 days after~~
29 ~~the request has been submitted.~~

30 ~~(c)~~

31 (b) The attendance of a pupil at a community college as a special
32 part-time or full-time student pursuant to this section is authorized
33 attendance, for which the community college shall be credited or
34 reimbursed pursuant to Sections 48802 and 76002, *provided that*
35 *no school district has received reimbursement for the same*
36 *instructional activity.* Credit for courses completed shall be at the
37 level determined to be appropriate by the school district and
38 community college district governing boards.

39 ~~(d)~~

1 (c) For purposes of this section, a special part-time student may
2 enroll in up to, and including, 11 units per semester, or the
3 equivalent thereof, at the community college.

4 (e)

5 (d) The governing board of a community college district shall
6 not assign a ~~low-enrollment~~ *high priority for registration or*
7 *enrollment* to special part-time or full-time students described in
8 subdivision (a) in order to ensure that these students do not displace
9 regularly admitted students.